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United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Agricultural  
Marketing  
Service

Livestock and Seed  
Program

# Items of Interest in Seed Control

## Fall 1999

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## **PAYNE APPOINTED BRANCH CHIEF**

It is now official. Dr. Richard Payne has been named Chief of the Seed Regulatory and Testing Branch (SRTB). He had served in the capacity of Acting Chief since Jim Triplitt retired at the end of 1998. As most of our readers know, Dick is a long time SRTB employee who has been the Testing Section Supervisor for many years. He now supervises both the regulatory and testing sections of SRTB.

## **HIGHLIGHTS OF FISCAL YEAR 1999 ACTIVITIES**

The following are some highlights of Seed Regulatory and Testing Branch (SRTB) activities during fiscal year 1999 (October 1, 1998, through September 30, 1999). We received 341 Federal Seed Act (FSA) complaints and made 425 FSA cases. A complaint often results in more than one FSA case when we find that the seed was shipped in interstate commerce more than once. During the year we closed 381 cases. We wrote letters of warning on 263 cases, settled 48 cases with penalties totaling \$31,300, waived monetary penalties on 8 cases, and held 4 cases in abeyance pending the future performance of the shippers involved. We took no FSA action on 58 cases because no violation of the FSA was established. We ended the year with 560 cases pending.

The SRTB's Testing Section received a total of 4,442 samples to test including 2,761 FSA samples, 195 check tests, and 1,486 service samples.

A few other highlights include:

- SRTB staffers conducted 2 one-week Federal Seed Analyst Schools in Colorado and Minnesota.
- A staff member served as technical assessor during quality assurance audits of 3 foreign seed laboratories.
- A staff member presented a ½-day variety-testing workshop to the Seed Analysts of Iowa in Johnston, IA.
- SRTB staff members gave at least nine presentations at various seed testing, seed control, and seed industry meetings.
- We checked approximately 1,270 proposed variety names for compliance with the FSA and cleared 907 of those for use as variety names.
- We completed evaluating nearly 1,425 plots of 10 different crops for trueness-to-variety.
- We provided more than 1,600 specimens from the Reserve Seed Collection to international, Federal, State, and private seed laboratories.
- We published four quarterly issues of the Items of Interest in Seed Control that were mailed each quarter to approximately 310 seed control, seed testing, and seed certification officials, and to other interested parties.



- We published over 800 copies of the State Noxious-Weed Seeds Recognized in the Administration of the Federal Seed Act and mailed to seed analysts, seed control, and seed industry personnel.

## **NORTHEAST SEED ANALYSTS' WORKSHOP**

Several employees of the Seed Regulatory and Testing Branch attended the Northeast Seed Analysts' Workshop (NESAW), hosted by the Maryland Department of Agriculture, Annapolis, MD, on September 30 and October 1, 1999. Dr. Richard Payne, David Bitzel, Al Burgoon, Steve Hurst, Jeri Irwin, Susan Maxon, and Leigh Wiltison attended various sessions of the 2-day workshop. Susan Maxon presented information on procedures and calculations used in 400-1000 seed separations. Other participants came from seed laboratories of Johnny's Selected Seeds, North Carolina Department of Agriculture, Ohio Crop Improvement Association, Pennsylvania Department of Agriculture, and Virginia Department of Agriculture.

Highlighting this year's workshop were presentations on testing for genetically modified organisms (GMOs). Dwight Denham and Kellie Yarnall, Strategic Diagnostics Inc., demonstrated test kits for detecting Roundup Ready® soybean seeds and grain. Dr. Nick Hill, Agrinostics Ltd. Company, demonstrated test kits for endophyte detection in tall fescue seeds and plant material.

Our thanks to the Maryland Department of Agriculture for hosting this year's NESAW. They have also volunteered to host next year's meeting. NESAW is held annually in the fall for the purposes of promoting uniformity in seed testing and exploring new technologies in seed testing.

## **ASA AND ASCONES MEETING**

Richard Payne, Chief of the Seed Regulatory and Testing Branch, attended the 1999 Atlantic Seedsmen's Association (ASA) Annual Convention in Mystic, CT, that met from October 17-19. State officials of the Association of Seed Control Officials of the Northeastern States (ASCONES) (representing Connecticut, Maryland, Massachusetts, Pennsylvania, and West Virginia), Dr. Payne, and Jim Warren (North Carolina Seed Program Administrator and immediate past president of the Association of American Seed Control Officials) met during the convention. The regulatory officials discussed common concerns including the increase in mislabeling of the percentage of components in grass seed mixtures, efforts to make chain stores aware of their labeling responsibilities, labeling tall fescue as a lawn grass, sale of seeds over the Internet, and strategies to reduce seed mislabeling were discussed. Fred Grau, Jr. of Grasslyn, Inc., presented seed industry concerns about crop kinds that are appearing on various lists of alien and invasive species and the ramifications of these lists for highway and revegetation plantings.

Control officials Joe Garvey (PA), Malcolm Sarna (MD), Jim Warren, Richard Payne, and Oregon Seed Trade Association President Nancy Aernie, presented a number of seed control issues in an open forum setting with the seed industry representatives in attendance.

A tour was taken of DeKalb's Biotechnology Research Center where the various steps in developing genetically engineered varieties were demonstrated.



## **ASCONES SEED INSPECTOR WORKSHOP**

The Association of Seed Control Officials of the Northeastern States (ASCONES) conducted a Seed Inspector Workshop in Annapolis, MD, on November 3 and 4, 1999. The Maryland Department of Agriculture (MDA) hosted the meeting and arranged for field training trips to two Maryland seed companies. Attending the workshop were nearly 50 participants including seed control officials and inspectors from Arizona, Delaware, Maryland, North Carolina, Pennsylvania, West Virginia, and members (Don Dreyer, Steve Hurst, Jeri Irwin, Harold Laswell, and Leigh Wiltison) of the Seed Regulatory and Testing Branch (SRTB).

ASCONES President Joe Garvey (PA) opened the session on Wednesday morning. The workshop participants were welcomed to Maryland by MDA Deputy Secretary Hagner R. Mister and MDA Turf and Seed Section Chief Malcolm Sarna added his welcome and outlined the day-and-a-half training session.

SRTB Marketing Specialist Don Dreyer opened the formal training with a discussion of the Federal Seed Act and the working relationship between State and Federal seed programs. MDA Seed Certification Manager Dale Morris spoke to the group about seed certification and field inspections for genetically modified seed crops. Garvey discussed the results of the Association of American Seed Control Officials' seed trier study. In the afternoon, the participants traveled to Boyle Brothers, Inc., Queen Anne, MD. Boyle Brothers, Inc. Secretary-Treasurer Gene Boyle welcomed the group and explained the facility's operations and conducted a tour. MDA Inspector Roger Burton instructed the group in the correct sampling methods and safety considerations for sampling both hard plastic and soft-sided mini-bulk containers.

On Thursday morning, the workshop's participants traveled to AgriBioTech, Inc., Laurel, MD (ABT-Laurel). ABT-Laurel's General Manager John Brader guided the group through their operation. MDA Turfgrass Activities Manager Vernon Cooper and Brader explained and demonstrated, with an actual mixing operation, Maryland's controlled mixing program which is used for Maryland activities such as highway seeding.

## **WHO SHIPPED THE SEED?**

For seed moving in interstate commerce, Section 201(a)(9) of the Federal Seed Act requires that the shipper be identified on the seed labeling. The identification may be accomplished by showing the name, city, and state of the shipper. The identification may also be accomplished by labeling the name, city, and state of the party receiving the seed and labeling an Agricultural Marketing Service (AMS) code designation assigned to the shipper.

We are aware that in some situations companies are contracting with another company to ship seed with all labeling referring to the contractor and no labeling showing the identification of the contracted company (the actual shipper of the seed). It is our position that the actual interstate seed shipper must be identified either by showing their name, city, and state, or by showing their AMS code designation.

For every company that we deal with, we have assigned a numerical AMS code designation. We do not automatically notify a company of its code designation. We



release that information only when the company asks for its code designation to use in labeling. We can release an AMS code designation only to the assigned company and not to a third party.

If your company is in either of the following circumstances:

- 1. You ship seed using another company’s labeling and do not otherwise identify your company on the labeling, or
- 2. Your company has another company ship seed for you using only your labeling,

then your company or the shipping company should contact us to get its AMS code designation.

The shipping company would then have an option of showing their name, city, and state, or their AMS code designation when shipping seed in interstate commerce. *No matter how you choose to do it, the interstate shipper must be identified on the labeling.*

**TTV TESTS PLANNED FOR FY 2000**

The following test sites and crops are planned for FY 2000. These crops and locations are tentative at this time. We may add other crops and locations. We will keep you informed on the size of samples to submit for each crop and the dates by which they should be submitted.

Test Site	Crops
Tifton, Georgia	Winter small grains (Fall 1999)
Manhattan, Kansas	Winter small grains (Fall 1999)
Gainesville, Florida	Lettuce and radish (Fall 1999)
Giddings, Texas	Squash
St. Paul, Minnesota	Soybean
Richmond, Virginia	Soybean
Upper Marlboro, Maryland	Millet and red fescue (Fall 2000)

**ISTA ACCREDITATION AUDITS IN ARGENTINA**

During the week of September 20, 1999, Seed Regulatory and Testing Branch (SRTB) Botanist Susan Maxon assisted with accreditation audits by serving as the technical auditor for the 2 government seed testing laboratories in Argentina. The laboratory accreditation audits were conducted by the International Seed Testing Association (ISTA) and closely follow laboratory quality standards established by ISO-25. SRTB's Testing Section will also be undergoing a reaccreditation audit by ISTA.



## FEDERAL SEED ACT CASES SETTLED

The following cases were settled administratively under the FSA between July 1 and September 30, 1999. Under the administrative settlement procedure, the SRTB and the firms agreed to settle the cases for the amount specified with the firms neither admitting nor denying the charges:

- Kelly Seed Company, Inc., Hartford, AL, has paid \$1,125 for a case involving four seed shipments. The alleged violations, while not the same for all shipments, were false noxious-weed seed labeling and failure to label the presence of noxious-weed seeds and to show the shipper's code or name and address. Seed regulatory officials in Florida cooperated in the initial sampling and inspection.
- Pennington Seed, Inc., Madison, GA, has paid \$31,550 for a case involving 51 shipments of seed. Six of Pennington's divisions in Alabama, Louisiana, Missouri, Oregon, Virginia, and Seed Production Inc. made the shipments. The alleged violations, while not the same for all shipments, were false labeling as to purity, variety name, germination percentage, and test date; failure to test for germination within the prescribed period prior to interstate shipment; false labeling of noxious-weed seeds and their presence in excess of State's limits; presence of prohibited noxious-weed seeds; failure to show the presence of noxious-weed seeds and the rate of occurrence; failure to show the required information for a seed component in a mixture and to label the components of a mixture in the order of predominance; mislabeling the identification of the shipper; and failure to keep required records, including those establishing the variety name. Seed regulatory officials in Alabama, Arizona, Florida, Georgia, Kentucky, Maryland, Michigan, New Mexico, Oklahoma, Pennsylvania, Tennessee, Texas, and Virginia cooperated in the initial sampling and inspection.
- ProSeeds Marketing, Inc., Jefferson, OR, has paid \$3,375 for a case involving nine seed shipments. The alleged violations, while not the same for all shipments, were false noxious-weed seed and purity labeling; shipping seed containing prohibited noxious-weed seeds; and failure to label the presence of noxious-weed seeds, to label required information for a seed component, and to keep required records. Seed regulatory officials in Maryland, Missouri, Oklahoma, Pennsylvania, and Virginia cooperated in the initial sampling and inspection.
- Seimer Enterprises, d.b.a. Mangelsdorf Seed Company, East St. Louis, IL, has paid \$1,000 for a case involving two seed shipments. The alleged violations, while not the same for both shipments, were false labeling as to noxious-weed seeds and the kind name; shipping seed containing prohibited noxious-weed seeds; and failure to keep required records. Seed regulatory officials in Illinois and Virginia cooperated in the initial sampling and inspection.



## ADDRESS CORRECTION REQUESTED

If you find an error in your name, title, organization, or address on this or any other mail you receive from us, please send the correction and tell us on what correspondence the mistake was made. If you no longer wish to be on a mailing list, let us know that too.

Seed control officials: Please inform us when higher level personnel (i.e., Secretaries, Commissioners, Directors, etc.) changes are made, including address and title changes, so we can promptly update our records and mailing lists.

## SUGGESTIONS FOR THE ITEMS OF INTEREST IN SEED CONTROL

We welcome ideas or articles you feel should be included in this publication. If you wish to submit an article, please send it to:

Don Dreyer  
Attention: Items of Interest in Seed Control  
Seed Regulatory and Testing Branch  
Livestock and Seed Program, AMS, USDA  
Room 209, Building 306, BARC-East  
Beltsville, Maryland 20705-2325  
E-mail: louis.dreyer@usda.gov  
Fax: 301-504-8098



## RYEGRASS FLUORESCENCE LIST

On August 30, 1999, the National Grass Variety Review Board (NGVRB) issued their most recent fluorescence list. They added these experimental varieties (with experimental designations shown here in parentheses): Rosalin (HE-411), Caddieshack (MED-5071), Monterey (J-1706), TopGun (J-1703), WVPB-PR-Koos-95-9 (WVPB-PR-Koos-95-9, Koos 95-9), A + 96 (All Sport), Racer (Pick Lp H-93), Sunshine (Pick Lp 102-92), and WVPB-PR-RS-2 (WVPB-PR-RS-2, WVPB-PR-2, and RS-II).

The NGVRB accepted 3 experimental varieties for certification. ISI-MBH is now the variety CIS-MBH, Pick PR 15-91 is now the variety Jiffie, and WVPB-PR-92-4 is now the variety Buccaneer II. The experimental DS 95-201 listing now has the proposed name Enchanted.

Additionally, we have had an error in previous "Ryegrass Fluorescence Lists." We have been listing Wild Dance perennial ryegrass. The correct variety name is 'Wind Dance.' We apologize for the error.

Perennial Ryegrass Variety Name	Percent Varietal Fluorescence	Perennial Ryegrass Variety Name	Percent Varietal Fluorescence	Perennial Ryegrass Variety Name	Percent Varietal Fluorescence
246	0.27%	Edge	1.73%	PICK Lp Q-93 <sup>1</sup>	6.44%
2CB	1.97%	Elegance	1.51%	Pleasure	4.09%
856	0.87%	Elf	0.75%	PR8820	0.79%
89-90	2.15%	Elite	4.84%	Prelude	1.72%
90-14 <sup>1</sup>	7.12%	Envy	0.22%	Prelude II	2.25%
A + 96 <sup>1</sup>	0.92%	Equal	1.98%	Prelude III	0.59%
A7 White <sup>1</sup>	2.19%	Evening Shade	1.17%	Prizm	0.71%
Academy	2.33%	Excel <sup>3</sup>	1.53%	Protocol	4.30%
Accent	0.56%	Express	4.00%	Quickstart	0.18%
Accolade	4.83%	Fiesta II <sup>3</sup>	1.14%	R2	1.25%
Accord	4.08%	Gator	0.88%	Racer <sup>1</sup>	1.23%
Achiever	0.93%	Gettysburg	2.74%	Regency	0.99%
Advent	0.14%	Goalkeeper	0.82%	Repell	0.33%
Affinity	0.77%	Greenland	1.20%	Repell II <sup>3</sup>	1.56%
Agresso	2.00%	Grimalda	2.00%	Repell III	0.80%
All*Star	0.47%	Headstart	2.09%	Reveille	2.00%
Allaire II	1.15%	ISI-RUPR (Gator II) <sup>1</sup>	2.50%	Riviera	0.58%
APM	0.59%	Jiffie	6.06%	Riviera II	1.08%
Aquarius	0.97%	Laredo	0.53%	Roadrunner	2.53%
Archer	1.51%	Legacy	0.37%	Rodeo II	2.47%
Ascend	3.09%	Lindsay	1.72%	Rosalin <sup>1</sup>	3.26%
Assure	0.72%	Line Drive	2.72%	Saturn II	0.85%
Bedford	1.40%	Linn	5.00%	Seville <sup>3</sup>	0.33%
Bella	0.65%	Lowgrow <sup>3</sup>	1.31%	Sherwood	1.08%
Blackhawk	1.17%	Lowgrow II	1.35%	Shining Star	0.10%
Blazer III	1.18%	LRF-94-C8 <sup>1</sup>	0.64%	Sonata	1.20%
Boardwalk	2.72%	Lynx	4.19%	SR 4100 <sup>3</sup>	0.37%
Breeze	1.57%	Magic	1.21%	SR 4200	0.34%
Brightstar	1.79%	Majesty	1.59%	Stallion Select	2.37%
Brightstar II	2.24%	Manhattan II <sup>3</sup>	0.65%	Stallion Supreme	1.16%
Buccaneer	7.44%	Manhattan	0.88%	Stardance	1.90%
Buccaneer II	5.48%	Mardi Gras	1.07%	Statesman	1.27%
CIS-MBH	1.27%	Monterey <sup>1</sup>	2.64%	Statesman II	8.42%
C-21	6.28%	Morningstar	0.87%	Sunshine <sup>1</sup>	2.65%
Caddieshack <sup>1</sup>	0.88%	Mulligan	1.86%	Target	3.28%
Caliente	0.74%	Navajo <sup>3</sup>	0.37%	Tonga	11.53%
Calypso	1.29%	Newlinn	5.85%	TopGun <sup>1</sup>	0.54%
Calypso II	0.47%	NightHawk	1.39%	Top Hat	0.77%
Catalina	3.18%	Nobility	7.53%	Topeka	2.34%
Cathedral	0.85%	Nomad	1.03%	Tove	17.48%
Chaparral	1.62%	Nova	1.00%	Twister	3.85%
Charger II	0.54%	Omega 3	0.73%	Vantage	2.19%
Charisma	2.39%	Omni	0.51%	Vivid	1.24%
Chatham <sup>1</sup>	2.11%	Pageant	2.22%	Wind Dance	1.17%
Citation III	0.96%	Palmer	1.04%	Wind Star	0.47%
Commander	1.02%	Palmer II	1.51%	Wizard <sup>3</sup>	2.57%
Cutter	1.65%	Palmer III	0.23%	WVPB-93-KFK <sup>1</sup>	3.84%
Dancer	0.78%	Panther	1.18%	WVPB-PR-C-2, C-2 <sup>1</sup>	8.65%
Dandy	2.00%	Passport <sup>3</sup>	1.06%	WVPB-PR-Koos-95-9 <sup>1</sup>	6.85%
Delaware Dwarf	2.60%	Patriot II	0.42%	WVPB-PR-RS-2 <sup>1</sup>	1.59%
Derby Supreme	2.85%	Pearl	1.86%	Yorktown III	1.42%
Dillon	4.14%	Pegasus	2.41%		
Divine	3.09%	Pennant	0.50%		
DS95-201 (Enchanted) <sup>1</sup>	1.12%	Pennant II	1.63%		

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RYEGRASS FLUORESCENCE LIST  
CONTINUED

Annual Ryegrass <u>Variety Name</u>	Percent Varietal <u>Fluorescence</u>
Florida 80	98.89%
Grazer	99.78%
Gulf	99.02%
Jackson	98.80%
Magnolia	---
Marshall	96.00%
Rio <sup>1</sup>	98.97%
Surrey	98.91%
TAM 90	98.45%

<sup>1</sup> Experimental Designation and/or  
Variety

<sup>2</sup> Exempt from varietal fluorescence  
testing calculations.

<sup>3</sup> The NGVRB is now listing OECD  
synonym names. **These names are not  
acceptable for sale in the United States**  
and are included for informational  
purposes. The variety and its OECD  
synonym shown in italics are: Excel--  
*Romadera*, *Fiesta II--Pickwick*,  
Lowgrow--*Lex86*, Manhattan II--  
*Numan*, Navajo--*Comanche*, Passport--  
*Romeo*, Repel II--*Verdi*, Seville--  
*Leonardo*, SR4100--*Athena*, and  
Wizard--*Sardinero*.



**Additions and Deletions  
Of  
Plant Variety Protection  
Certificates**







# PLANT VARIETY PROTECTION CERTIFICATES

(**Issued** July 24, 1999, through November 4, 1999)

KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA	KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA
BROCCOLI R&D-HTF1 CORN, FIELD PH20A	R & D AG, INC.		Y	VINCA Heat Wave Orchid	John Bodger & Sons Co.		Y
	Pioneer Hi-Bred International, Inc.		Y	Heat Wave Peppermint	John Bodger & Sons Co.		Y
	Pioneer Hi-Bred International, Inc.		Y	Heat Wave Pink	John Bodger & Sons Co.		Y
PH25A	Pioneer Hi-Bred International, Inc.		Y	WHEAT, COMMON B1183	HybriTech Seed International, A Unit of Monsanto Company	Y (3)	Y
PH37C	Pioneer Hi-Bred International, Inc.		Y	522W	The University of Georgia Research Foundation, Inc.	Y (2)	Y
PH41E	Pioneer Hi-Bred International, Inc.		Y	Terral TV8555	Terral Seed, Inc.		Y
PH44A	Pioneer Hi-Bred International, Inc.		Y	Trenton	NDSU Research Foundation	Y (3)	Y
PH54B	Pioneer Hi-Bred International, Inc.		Y				
PH63A	Pioneer Hi-Bred International, Inc.		Y				
PHND1	Pioneer Hi-Bred International, Inc.		Y				
FESCUE, TALL Excalibur	Forbes Seed and Grain, Inc.		Y				
Kitty Hawk PEA, FIELD Pro 2100 PEPPER	Smith Seed Services ProGene, L.C.		Y				
R & C Cayenne	Seminis Vegetable Seeds, Inc.		Y				
RYEGRASS, PERENNIAL Buccaneer Cutter Morningstar Statesman II Twister TOMATO NC EBR-4	John R. Koos and Sons Pickseed West Inc. Pickseed West Inc. Smith Seed Services John R. Koos and Sons North Carolina Agricultural Research Service		Y				
VINCA Heat Wave Grape	John Bodger & Sons Co.		Y				

(\*) No limit to the number of generations of certified seed beyond breeders seed.



PLANT VARIETY PROTECTION CERTIFICATES  
(Expired July 24, 1999, through November 4, 1999)

KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA	KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA
ALFALFA Hi-Phy BEAN, GARDEN Frenchy Win	FFR Cooperative Royal Sluis B.V. Seminis Vegetable Seeds, Inc.			SOYBEAN FFR 668 GT 1380 Hartz 936X	FFR Cooperative Agripro Seeds, Inc. Jacob Hartz Seed Company, Inc.		
BEAN, LIMA Dompe 95	Ben Fish and Son			HP 3700 PL 707743	Agripro Seeds, Inc. Soybean Research Foundation, Inc.	Y (3)	
BLUEGRASS, KENTUCKY Apart Argyle Eclipse	Zelder B.V. Heart Seed Company, Inc. New Jersey Agricultural Experiment Station			SRF 350P	Soybean Research Foundation, Inc.	Y (3)	
CAPER SPURGE Chico	Wilbur A. or Eva M. Henderson			SUNFLOWER IS 2168 IS 2501 IS 3401 IS 3795	Interstate Seed Company Interstate Seed Company Interstate Seed Company Interstate Seed Company		
COTTON Cascot BR-1 Coker 3131		Y (3)		VETCH, COMMON Cahaba White	Auburn University Agricultural Experiment Station		
Rogers LG 102	Custom Ag Service Inc. Stoneville Pedigreed Seed Company, Inc.	Y (3)		Nova II	Auburn University Agricultural Experiment Station		
FESCUE, MEADOW Beaumont	Rogers Delinted Cottonseed Company			Vanguard	Auburn University Agricultural Experiment Station		
MARIGOLD Scarlet Sophia	Michigan State University	Y (3)		Vantage	Auburn University Agricultural Experiment Station		
ONION Early Grand PRR	John Bodger and Sons Company				Auburn University Agricultural Experiment Station		
PEA Alcan	Sunseeds Company			WHEAT, COMMON S78	Pioneer Hi-Bred International, Inc.		
PEANUT K-29	Novartis Seeds, Inc.						
SOYBEAN 0877	James T. Keel	Y (3)					
A1937 AP 71 DSR-120	Pioneer Hi-Bred International, Inc. Asgrow Seed Company Novartis Seeds, Inc. Dairyland Seed Company, Inc.	Y (3) Y (2)					

(\*) No limit to the number of generations of certified seed beyond breeders seed.







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